IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2209 OF 2007

Jituka Shriramlu S/o. Narayadu
and others. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

K.S.Patil for the applicants.

S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 4th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.15/2007 registered with Poynad Police Station, district- Raigad for the offences punishable under sections 302, 147, 148, 149 of Indian Penal Code (I.P.C.).

3. The present applicants are the daily wage workers, working on Jetty. They are permanent residents of Andhara Pradesh. One of the grounds on which bail was rejected by the Sessions Court is that, they not being permanent residents of Raigad district, their presence for the trial was found to be

difficult.

4. The incident appears to have happened when quarrel between the complainant and other persons took place. According to the applicants, there was neither any intention on their part to participate in commission of the offence punishable under section 302 of I.P.C. nor was there any intention to kill the deceased. Everything happened on the spur of the moment. That they have no criminal antecedents.

5. The applicants submit that the investigation is complete. Chargesheet has already been filed. The applicants undertake to stay in Raigad district so long as the trial is not complete and that they further undertake to attend the police station regularly where the crime is registered. In order to establish that the applicants are the permanent residents of village in Andhara Pradesh, Revenue papers are produced by them with their permanent addresses.

6. The Investigating Officer had deputed one Police Constable to visit their village and to make enquiry about their permanent addresses. Accordingly, enquiry with the Tahasildar of that taluka was made and it was found that all those documents are proper and genuine.

7. In the above view of the matter, looking to their role in commission of offence, in my opinion, the applicants are entitled to be enlarged on bail. I am, therefore, inclined to grant bail to the applicants, subject to the following conditions:

(a) The applicants, arrested in connection with CR.No.15/2007 registered with Poynad Police Station, district- Raigad shall be enlarged on bail in the sum of Rs.5,000/- each with one surety to make up the said amount.

(b) The applicants shall report to the concerned Police Station twice a week, i.e. on every Monday and Saturday between 3.00 to 5.00 p.m. till conclusion of the trial and shall not leave district of Raigad without prior permission of the Sessions Court.

(c) The applicants shall file an affidavit with the Investigating Officer with one copy thereof to the Sessions Court where the trial is pending giving details of their permanent addresses with details of their native places attached with Revenue documents.

(d) The applicants shall not change their residential address till the conclusion of trial without prior intimation to the investigating officer.

(e) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(f) The applicants shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(g) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

8. Application stands disposed of accordingly.

. **JUDGE**